



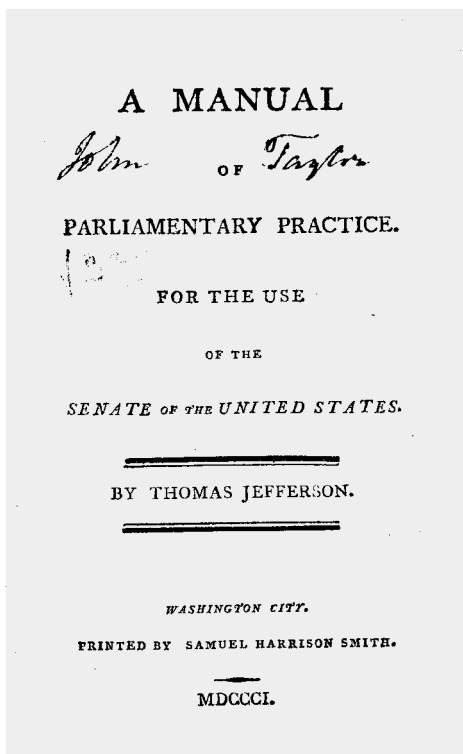
# Laying Out the Rules: Jefferson's "Manual of Parliamentary Practice"

When Thomas Jefferson foresaw that the election of 1796 would likely cast him as vice president under John Adams, one of his concerns was a lack of rules. A chief duty of the vice president was to preside over the Senate, and the few governing rules established to that point left

much to the discretion of the presiding officer. Jefferson wrote: "It is now so long since I have acted in the legislative line that I am entirely rusty in the Parliamentary rules of procedure." Even before taking office, he began research that would result four years later in *A Manual of Parliamentary Practice*. However, Jefferson's efforts to establish procedural rules for the Senate extended beyond his feeling that he

was out of practice.

Prior to the dissolution of their friendship in partisan turmoil, Jefferson had written to John Adams: "This I hope will be the age of experiments in government, and that their basis will be founded on principles of honesty, not of mere force." But the 1790s were a time of growing political tensions in the



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## Jefferson's "Manual of Parliamentary Practice"

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newly formed republic, tensions that held the threat of tearing apart what had been so recently created. Armed conflict was a very real possibility. In this tenuous environment, a well-defined system of rules could offer the stability of an ordered legislative process.

Though he may have felt "rusty," Jefferson was no novice to the rules of parliamentary procedure. As a student he had transcribed, or "commonplaced," notes on British parliamentary law into what he later called his "Parliamentary Pocket Book," and he had served on the committee appointed to draw up the rules of order for the Continental Congress in 1776. Nevertheless, for his own manual, he rejected the rules of the "old Congress" as a prototype, claiming that, "the forms were so awkward & inconvenient that it was impossible sometimes to get at the true sense of the majority." This left as resources his "Parliamentary Pocket Book" and his own library, which he noted, "In the diplomatic and parliamentary branches, it is particularly full."

There were, of course, the existing rules, plus the Journal of Senate proceedings, and the framework established by the Constitution. All of these together served for the "important matters," Jefferson wrote, but lacking were the rules that "belong so much to every day's practice that they have never been thought worthy of being written down." For these, Jefferson turned to two legends of Virginia law, George Wythe and Edmund Pendleton.

Jefferson, Wythe, and Pendleton had formed the nucleus of the committee for the revision of the laws of Virginia in 1776. This committee was assigned the monumental task of reforming the entire structure of the former monarchical laws to comply with republican principles. In applying to these two men for advice on parliamentary rules, Jefferson was tapping sources he could approach with confidence and trust.

Jefferson first approached his old mentor, Wythe. He had read law under Wythe's direction from 1762 to 1767 and through long association regarded Wythe's knowledge of parliamentary law as "more studied and are better known by you than by any man in

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America perhaps by any man living." Jefferson must have been disappointed to receive Wythe's letter explaining that he had left his notes with the House of Burgesses in 1775 and that with the passage of time felt he remembered little that would be of use. Jefferson applied to Wythe a second and even a third time. Perhaps if he provided a list of questions that could be answered primarily with a yes or no? But the response was the same: Wythe didn't remember.

Jefferson then applied to Wythe's old courtroom rival, Edmund Pendleton. He answered some of Jefferson's questions but also confessed to being "rusty" and not particularly well-read in parliamentary law.

Ironically, Wythe eventually did respond to most of Jefferson's questions, but only after a *Manual* draft had been delivered to the publisher.

Jefferson's persistence in gathering the best information possible suggests the strength he placed in rules. Certainly there was an element of personal pride – he stated that his compilation was "the Standard by which I judge and am willing to be judged" – but the Preface and Section I of his *Manual* reflect a genuine respect for rules and the order they offer. In the Preface he addressed his initial concern that the few existing rules left too much to the discretion of the president of the Senate and "Irregularly exercised, would have a powerful effect on the proceedings and determinations of the house." In Section I, which he even titled, "The Importance of adhering to Rules," he noted that rules offer protection to the minority and that "Matters of form are essential to government."

On Feb. 27, 1801, the day before Jefferson resigned his duties as president of the Senate, the publication of *A Manual of Parliamentary Practice* was announced in a Washington newspaper. On March 4, he would be inaugurated as the third president of the United States. The country had successfully come through the tumultuous election of 1800, of which Jefferson would write, "the revolution of 1800 ... was as real a revolution in the principles of our government as that of 1776 was in its form; not effected indeed by the sword, as that, but by the

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## Jefferson's "Manual of Parliamentary Practice"

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rational and peaceable instrument of reform, the suffrage of the people." With a bloodless transfer of political power from one party to another and with parliamentary practice in the legislature better defined, the young republic moved forward.

- GAYE WILSON

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